IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revn. No. 1928 of 2006

DATE OF DECISION : 06.11.2006

Sukhdev Singh

.... PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. A.P.S. Deol, Advocate, for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

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Petitioner Sukhdev Singh has filed this revision petition against the judgment dated 5.9.2006, passed by Sessions Judge, Faridkot, whereby the appeal filed by him against the judgment of his conviction and order of sentence dated 5.6.2006, passed by Additional Chief Judicial Magistrate, Faridkot, has been dismissed.

2. The petitioner was tried in case FIR No. 91 dated 23.8.2000 registered at Police Station City Kotkapura, under Sections 279/304-A IPC, and vide judgment and order dated 5.6.2006, passed by the trial court, he was convicted and sentenced to undergo R.I. for a period of one year and to pay a fine of Rs. 1000/- or in default of payment of fine to undergo R.I. for one month under Section 304-A IPC and to pay a fine of Rs. 1000/- or in default of payment of fine, to undergo R.I. for one month under Section 279 IPC. Both the sentences were ordered to run concurrently. Aggrieved against the same, the petitioner filed appeal, which has been dismissed by the appellate court. Hence, this revision petition has been filed by the petitioner.

3. I have heard counsel for the parties and gone through the impugned judgment.

4. The allegation against the petitioner is that on 23.8.2000 at about 9.30 A.M., in the area of Kotkapura, he while driving bus No. PB-11C-9488, belonging to PRTC Depot Faridkot, in a rash and negligent manner so as to endanger human life and personal safety of others, caused the death of Jagsir Singh, minor nephew of complainant Kuldip Singh. As per the prosecution case, at the time of the accident, the complainant and his minor nephew were crossing the road. The trial court, after appreciating the evidence available on record, convicted and sentenced the petitioner under Sections 279 and 304-A IPC. The appellate court has also upheld the conviction and sentence of the petitioner. Counsel for the petitioner has not been able to point out any illegality or infirmity in the conviction recorded by the courts below and notice was issued only regarding quantum of sentence.

5. Regarding sentence, counsel for the petitioner submits that the petitioner is first offender and he is 58 years old and has now retired, therefore, a lenient view be taken against him regarding the quantum of sentence.

6. After hearing counsel for the parties and keeping in view the manner in which the accident took place, the age of the petitioner and the fact that he is first offender, and the incident is more than six years old, I deem it appropriate to reduce the sentence of imprisonment from one year under Section 304-A IPC to six months as that will meet the ends of justice. Ordered accordingly. However, it is made clear that the sentence of fine under Sections 304-A and 279 IPC shall remain intact.

7. With the aforesaid modification in the order of sentence, this revision petition stands dismissed.

November 06, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**